

**CIVIL NO. 2:07CV19**

## ORDER

In accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), Plaintiff, who is proceeding *pro se*, is cautioned that he carries a heavy burden in responding to a motion to dismiss for lack of subject matter jurisdiction. The Defendants argue that this Court has no subject matter jurisdiction over this dispute because it involves private land belonging to the Defendants and their refusal to permit Plaintiff to cross

their land in order to access his property. In responding to the motion, Plaintiff must show that he has made such allegations or that he could make such allegations in an amended complaint that would defeat the jurisdictional question raised by Defendants.

Plaintiff is advised that failure to respond to the Defendants' motion will result in it being summarily granted.

**IT IS, THEREFORE, ORDERED** that the Plaintiff is allowed fifteen (15) days from entry of this Order in which to respond to Defendants' motion to dismiss.

Signed: October 29, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

